

REMARKS

This Amendment is submitted in response to the Office Action mailed on August 15, 2000. The Office Action notes that the previous Notice of Allowance is vacated and rejects Claims 1-24 under 35 U.S.C. § 102. In response, independent Claims 1, 13, 20, and 24 have been amended. Applicants respectfully submit, for the reasons set forth below, that the rejections have been overcome.

Applicants note for the record that the above-identified patent application was previously passed to allowance. Indeed, Applicants paid the issue fee for the above-identified patent application on January 24, 2000. However, in view of a Supplemental Information Disclosure Statement, which brings a European Search Report to the attention of the Patent Office, the Patent Office reopened prosecution on the application. The Patent Office now rejects Claims 1-3, 6-7, 13-15, and 18-24 under 35 U.S.C. § 102 under *Gellman*, Claims 1-20 and 24 under 35 U.S.C. § 102 as being anticipated by *Simone*, and Claim 24 under 35 U.S.C. § 102 as being anticipated by *Hand*.

Applicants' attorney conferred with the Examiner in charge of examining the above-identified patent application. The Examiner stated that if all of the independent claims were limited to claiming that at least 2% by weight of the product was insoluble fiber and that Claim 24 was amended to include the limitation that the product included a humectant, the claims would be allowable over the prior art. Applicants have so amended the claims and therefore respectfully request that the claims now be passed to allowance.

Applicants note for the record that the cited references clearly do not disclose nor suggest the claimed invention as so amended. With respect to *Gellman*, *Gellman* does not disclose adding at least 2% by weight insoluble fiber to a pet food product. This is now a limitation of

each of the claims. This limitation distinguishes all of the claims over the cited references. Further, Applicants respectfully submit for the record that *Gellman* does not specifically teach the use of insoluble fiber. *Gellman* merely discloses the use of wheat flour. Wheat flour may contain a fiber source, but it is not necessarily a source of insoluble fiber. Further, it is clear that the *Gellman* reference is not concerned with whether or not the fiber that is provided is soluble or insoluble. In this regard, *Gellman* merely uses starchy substances to help reduce the cost of the product (see column 10, lines 10-14).

Regardless, clearly *Gellman* neither discloses nor suggests a product including at least 2% by weight insoluble fiber. Therefore, in view of the amendment to each of the independent claims, Applicants respectfully request that the rejection of Claims 1-3, 6-7, 13-15, and 18-24 under 35 U.S.C. § 102 be withdrawn.

With respect to the rejection of Claim 24 based on *Hand*. Clearly *Hand* does not disclose nor suggest the use of a humectant. Claim 24 has been amended to specifically include a humectant in the kibble used in the claimed method. Therefore Applicants respectfully request that this rejection be withdrawn.

With respect to the rejection of Claims 1-20 and 24 under 35 U.S.C. § 102 based on *Simone*, as Applicants previously noted, *Simone* does not disclose nor even suggest Applicants' claimed invention. In this regard, *Simone* discloses that the moisture content of the product disclosed therein is preferably at least 12% by weight or greater. Each of the claims of Applicants' patent application requires a moisture content of less than 10% by weight. This is not taught by *Simone*. In fact, *Simone* states that preferably the moisture content is 16-35% by weight (see column 5, lines 5-10). The Patent Office cites to column 5 of *Simone* as stating that the moisture can be adjusted to a level of 10-30% by weight. However, this still does not read on

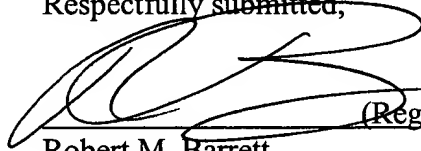
10-30%

any of the claims as they all require less than 10% by weight moisture. Thus, even prior to the amendment, clearly *Simone* did not anticipate any of the claims of the claimed invention.

Nor, Applicants submit, does *Simone* render obvious the claimed invention. Clearly the intent of the product of *Simone* is to have a moisture content of greater than 12% and preferably greater than 16 up to 35%. The purpose of the increased moisture content of *Simone* is to, in part, impart flexibility in chew to the product. Thus, it would not be obvious to reduce the moisture content as *Simone* teaches away from such. Accordingly, Applicants request that the rejection based on *Simone* be withdrawn.

Therefore, for the foregoing reasons, Applicants respectfully submit that each of the rejections have been overcome. Accordingly, Applicants respectfully request that the above-identified patent application be passed to allowance.

Respectfully submitted,



(Reg. No. 30,142)

Robert M. Barrett
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, Illinois 60690-1135
Tel: (312) 807-4204
ATTORNEY FOR APPLICANTS